



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
REAL ARRIERO, LLC)	
9740 SE Cherry Valley)	Request ID No. 622013
Caledonia, Michigan 49316)	
)	
Caledonia Township Kent County)	
_____)	

At the May 8, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner

LICENSING APPEAL ORDER

On August 3, 2011, Real Arriero, LLC (applicant) filed a request to transfer ownership of 2011 Class C and SDM licenses with Sunday Sales Permit (P.M.) and Specific Purpose Permit (Food) from San Marcos, Inc. #1, to be located at the above-noted location; and request consideration of licensing under the provisions of administrative rule R 436.1121(2)(f).

At a meeting held on April 6, 2012, the Commission denied this request under administrative rule R 436.1105(1)(b) as the applicant did not provide evidence of the existence of adequate, legitimate and verifiable financial resources for the establishment and operation of the proposed licensed business.

Robert Hackett, legal counsel on behalf of the applicant, submitted a timely request

for an appeal in this matter, and represented the applicant at the May 8, 2012 hearing, at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and documents presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated good cause that a waiver of administrative rule R 436.1121(2)(f) should be granted based on the testimony provided at the hearing and documents presented prior to the hearing held in this matter, specifically the documentary proof of the source of funding provided to the applicant by the moneylender, Ezquiel Aguirre, for this transaction.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of April 6, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall submit an executed renewal form and payment of the statutory license fees for the 2012-2013 licensing year to the Commission.
2. The licensee shall submit proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the immediate suspension of the subject licenses and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

3. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the licenses and permits, as provided in administrative rule R 436.1060.
 - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
 - b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the licenses and permits shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the licenses and permits.
4. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of these licenses and permits by the Michigan Liquor Control Commission does not waive any of these requirements.
5. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan

Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the licenses and permits.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Date: May 8, 2012

Prepared by:
Terri Chase, Commission Aide